REMARKS

§ 102 Rejections

Claims 1, 3-5 and 9-28 stand rejected under 35 USC § 102(b) as being anticipated by Stump et al. (US5835271).

Independent Claim 1 recites, a pavement marking comprising a plurality of retroreflective elements partially embedded in a binder wherein the retroreflective elements have an exposed outer viewing surface comprising retroreflective sheeting and a layer beneath the viewing surface comprising a shrunk film layer.

The Examiner alleges that the retroreflective elements of Stump comprise "retroreflective sheeting (82) and a layer beneath the viewing surface comprising a shrunk film layer (84, which is made of thermoplastic resin Col 3, Lines 14-20, that is the same material as the shrink film layer of the present invention."

The Applicant submits that although Stump relates to a pavement marking comprises retroreflective elements. The retroreflective elements employed do not comprise "retroreflective sheeting **and a layer beneath the viewing surface comprising a shrunk film layer**".

As described at column 7, lines 34-36, (82) is a thermoplastic sheet and not retroreflective sheeting. Retroreflective sheeting comprises retroreflective optical elements such as glass-microspheres or cube corner elements. The Applicant notes however, that the retroreflective element depicted in Fig. 1A (described an a multi-sided retroreflector) may be constructed by "attaching layers of microspheres to a triangular substrate." The depicted outer layers of microspheres are equivalent to an enclosed-lens retroreflective sheeting that comprises microsphere optical elements.

However, the elements of Stump et al. lack a shrunk film layer beneath the retroreflective sheeting.

As described on p. 7-8 various shrinkable film materials are known. A shrunk film layer can be obtained from mechanically stretching and bonding the stretched film to the non-viewing surface of the sheeting or by employing a heat shrink film followed by subsequent exposure to

heat. Polyolefins such as LLDPE can be formed into heat shrinkable films by nominally stretching (e.g. 4X) in a tenter oven at a temperature above the melt temperature. In the absence of such processing, LLDPE is not heat shrinkable. For this reason, knowing the composition alone is not sufficient basis to conclude a material is heat shrinkable.

Accordingly, Stump et al. does not anticipate the present invention.

§ 103 Rejections

Claim 2 stands rejected under 35 USC § 103(a) as being unpatentable over Stump et al.

Claims 6-8 stand rejected under 35 USC § 103(a) as being unpatentable over Stump et al. in view of Fei (US 5419651).

As previously argued with respect to the 102 rejection, since Stump et al. does not describe a heat shrinkable or heat shrunk film layer, Stump et al. fails to describe all the claim features of the independent claims. The secondary references also do not disclose this feature and thus the combination does not overcome the deficiencies of Stump et al.

The Applicant has addressed all the rejections set forth by the Examiner. Reconsideration and a timely allowance are respectfully requested.

Respectfully submitted,

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